



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 9, 2020

FROM: DIRECTOR ANDREW MYERBERG
 OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2019OPA-0811

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy (SPD Policy, SPDG CBA, Dispatcher Manual)	Sustained
Imposed Discipline		
Terminated Prior to Proposed DAR – Discipline		

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

It was alleged that the Named Employee acted contrary to SPD policy and her unit manual when she assigned herself to work overtime.

SUMMARY OF INVESTIGATION:

OPA received anonymous complaints alleging misconduct on the part of Named Employee #1 (NE#1). Specifically, the complaints concerned NE#1, who is a dispatch supervisor, telling a subordinate employee to vacate his desk so that she could work overtime. The complaints alleged that NE#1 was not “qualified, trained or eligible” to work as a dispatcher and that her doing so “was an extreme safety hazard” and “jeopardized all officers assigned to her radio channel.” The complaints also asserted that NE#1 acted unethically when she used her position as a supervisor to award the overtime to herself, as opposed to whoever was most eligible in the unit. Lastly, the complaints stated that NE#1 was not candid when later confronted by other supervisors about her actions. This OPA investigation ensued.

OPA determined that, on the date in question, NE#1 released a 911 call taker from mandatory overtime. She then hired herself on voluntary-mandatory overtime. Prior to doing so, she did not send out a CAD message to the unit to see whether any other call taker was interested in the overtime assignment. At her interview, NE#1 initially told OPA that she was not familiar with the procedure for sending out the CAD message. However, she corrected that statement and confirmed that she understood the requirement and made a mistake by not sending out the message.

Later in her shift, NE#1 assigned a dispatcher to work as a call taker and took over that dispatcher’s role. Notably, NE#1 was not trained or qualified to work either position.



OPA learned that, prior to undergoing any training, NE#1 was initially told by her direct chain of command that she was not qualified to work as either a call taker or a dispatcher. However, after she was trained and released to the floor, she stated her belief that she could engage in this work. NE#1 said that she and other supervisors generally discussed whether she could work in call taker and dispatcher positions. She stated that they told her that if she was “released to work as a supervisor, that [she] should be released to work any phone or radio position.” However, NE#1 acknowledged that, at the time these other supervisors made those assertions, they did not know that she was not qualified or trained to work those positions. She further did not disclose this to them. Prior to assigning herself to work overtime, NE#1 also did not speak with her direct chain of command to get permission to do so.

The Communications Unit internally reviewed this matter. That investigation resulted in a finding that NE#1’s actions and decision-making were contrary to unit policies and procedures. The unit generated a Performance Management Record (PMR) that detailed the findings and that was placed in NE#1’s permanent file.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy (SPD Policy, SPDG CBA, Dispatcher Manual)

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. This policy also requires that employees adhere to unit manuals. OPA’s investigation conclusively established that NE#1 acted contrary to this policy in numerous respects.

As discussed above, NE#1 engaged in several violations of unit protocols, including not sending a CAD message to see if others were interested in the overtime shift, working positions that she knew she was not trained to work, and failing to obtain approval from her chain of command prior to engaging in this work.

Even more significantly, OPA finds that NE#1’s actions constituted ethical lapses and were contrary to a number of City and SPD policies.

First, when NE#1 released subordinate employees from work and then assigned overtime to herself, she used her position for personal gain.

Second, when she assigned this work to herself even after receiving direction from her chain of command that could not do so, she failed to comply with a lawful order from a direct supervisor.

Third, as exemplified by the concern her actions caused within her unit, NE#1 failed to properly carry out her supervisory responsibilities.

Fourth, NE#1 made the irresponsible decision to work positions that she admittedly was not trained in. While there is no evidence that community members or officers suffered as a result, this was certainly a foreseeable potential consequence of her actions. Compromising the safety of community members or officers solely because she wanted to work overtime is completely inappropriate. Moreover, it served to undermine public trust and confidence. As such, OPA finds that her conduct violated the Department’s discretion and professionalism policies.



Lastly, the complaints alleged that NE#1 made knowing misstatements to other supervisors concerning her actions. While OPA finds that NE#1 made a number of self-serving statements, including at her OPA interview, and did not provide full information to other supervisors, the evidence falls short of establishing dishonesty on her behalf. However, this was an area of concern for OPA during its investigation.

Ultimately, OPA concludes that NE#1's conduct violated a number of policies and procedures and recommends that this allegation be Sustained. OPA notes that, while NE#1 received a PMR from her chain of command, this does not preclude OPA's recommending of a Sustained finding, particularly given the more expensive scope of OPA's investigation. The issuance of the PMR will be appropriately considered when evaluating what discipline should be imposed.

Recommended Finding: **Sustained**